



FILED & JUDGMENT ENTERED

Steven T. Salata

Dec 04 2012

Clerk, U.S. Bankruptcy Court
Western District of North Carolina

Laura T. Beyer

Laura T. Beyer
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN THE MATTER OF:)
) CASE NO. 11-40506
SCOTTO RESTAURANT GROUP, LLC) CHAPTER 11
)
)
)
)
DEBTOR.)

ORDER OF CONFIRMATION FOR DEBTOR'S CHAPTER 11 PLAN

THIS CAUSE coming on to be heard and being heard in front of the undersigned U.S. Bankruptcy Judge for the Western District of North Carolina upon Debtor Scotto Restaurant Group, LLC's Confirmation of Third Amended Chapter 11 Plan and appearing at the hearing was Bryan W. Stone, counsel for the Debtor, James H. Henderson ("Henderson"), an interested party, Angela R. Perry, counsel for MV Epicentre, and Chip Ford, counsel for the Unsecured Creditors Committee (the "Committee"); and it

APPEARING to the Court that a Disclosure Statement and Plan of Reorganization under Chapter 11 of the Bankruptcy Code was filed by the Debtor on 01 May 2012 [docket no. 107], a First Amended Disclosure Statement and Plan of Reorganization was filed on 28 August 2012 [docket no. 147], and a Second Amended Disclosure Statement and Plan of Reorganization was filed on 12 October 2012 [docket no. 173]. The Court entered an Order approving the Second Amended Disclosure Statement on 12 October 2012 [docket no. 174],

and the Second Amended Disclosure Statement and Plan of Reorganization was transmitted to creditors and equity security holders; and it

APPEARING to the Court that a Third Amended Plan of Reorganization (the "Third Amended Plan") was filed on 21 November 2012 [docket no. 192]; and it

APPEARING to the Court that objections were made to the Third Amended Plan by the Committee and Henderson, the latter objection being withdrawn at the confirmation hearing. Further, of the two (2) voting classes, CIT Small Business Lending Corporation, the Class 1 claimant, accepted the Third Amended Plan by non-vote, and Class 3 (general unsecured creditors) voted to reject the Third Amended Plan; and it

APPEARING to the Court that a Fourth Amended Plan of Reorganization (the "Plan") was filed on 30 November 2012 [docket no. 198]; and it

APPEARING to the Court after notice and a hearing that the requirements for confirmation under 11 U.S.C. §1129(a) have been satisfied, save for 11 U.S.C. §1129(a)(8), and that the Plan should be confirmed pursuant to 11 U.S.C. §1129(b) over the objection of the Committee and the rejection by the Class 3 claimants; and it

APPEARING to the Court that the Debtor and the Plan, which is attached hereto, have complied with all other applicable provisions of Chapter 11 of the U.S. Bankruptcy Code and the applicable Federal Rules of Bankruptcy Procedure, and that such was proffered in good faith; and it

APPEARING that the amendments contained in the Plan do not adversely change the treatment of the claims of any creditor or the interest of any equity security holder and therefore, in accordance with the Bankruptcy Rule 3019, all creditors and equity holders who accepted the Third Amended Plan are deemed to accept the amendments set forth in the Plan;

THEREFORE, based on the foregoing findings, this Honorable Court hereby decrees that it is,

ORDERED that the Debtor's Chapter 11 Plan originally filed on 1 May 2012, and finally amended on 30 November 2012, is approved in its final form identified as the Fourth

Amended Disclosure Statement and Plan of Reorganization filed on November 30, 2012 [docket no. 198]; and it is

ORDERED that the Discharge provisions contained in the Plan are hereby approved in their entirety as to the Debtor, successors and assigns, and this Order shall act as a permanent injunction from the Effective Date as to any and all attempts to commence or continue any action or process to collect, recover, offset or recoup any monies, rights or property stemming from a prepetition claim against this Debtor, to the extent Debtor provides payment of all allowed claims that could be asserted against the Debtor's Estate and except as provided in the Plan or in 11 U.S.C. §1141(d); and it is

ORDERED that the Debtor shall continue to file all applicable reports to the Court and pay all applicable fees due and payable under 28 U.S.C. §1930 to the Court until the closing of the Chapter 11. Upon substantial consummation of the Plan, as defined by 11 U.S.C. §1101(2), the Debtor shall file a final report, in a format prescribed by the Bankruptcy Administrator, reflecting the payments made for all costs of administration and each class of creditors, and a motion for entry of Final Decree pursuant to F.R.B.P. Rule 3022; and it is

ORDERED that pursuant to the Plan and in accordance with 11 U.S.C. §1141, on the effective date of the Plan all property of the Debtor shall vest in the Reorganized Debtor and shall be free of all liens, claims and encumbrances, except for the lien of CIT Small Business Lending Corporation under its Class 1 claim; and

IT IS SO ORDERED.

United States Bankruptcy Court

*This Order has been signed
electronically and the Judge's
signature and Court's seal appear
at the top of the page.*

Prepared and presented by:

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